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Glass Bottle Blowers' Ass'n, 72 N. J. Eq. 653, 66 Atl. 953. In a recent similar case, the Minnesota court refused to grant an injunction, giving as its principal reason the difficulty of framing a decree. *Grant Const. Co. v. St. Paul Bldg. Trades Council* (Minn. 1917), 161 N. W. 520. Other state cases have denied the doctrine of the principal case. *Lindsay & Co. v. Montana Federation of Labor*, 37 Mont. 264, 96 Pac. 127; *Meier v. Speck*, 96 Ark. 618, 132 S. W. 988. It is important to notice that these cases invariably involve powerful labor unions. It is possible that the divergence of the decisions can be somewhat accounted for on the ground that most State judges are elected by popular vote while Federal judges and the judges in New Jersey are appointed.

NEGLIGENCE—LIABILITY OF MANUFACTURER FOR FOREIGN SUBSTANCE IN BREAD.—Plaintiff, while masticating a piece of bread, bit into a nail which was below the surface and as a result lost two teeth. The loaf from which the slice was cut was made by the defendant and sold to a grocer from whom it was purchased by the plaintiff's sister. The defendant offered no evidence but rested at conclusion of the plaintiff's case. *Held* that the defendant is liable, in the absence of proof of the exercise of care and inspection in the manufacture of the bread, notwithstanding the lack of privity of contract between the plaintiff and defendant. *Freeman v. Schults Bread Company* (1917), 163 N. Y. Supp. 396.

The decision in this case is in line with the tendency of recent New York cases to extend the liability of a manufacturer who fails to exercise care in the manufacture of his goods or in inspecting them before putting them upon the market for sale. *MacPherson v. Buick Motor Co.*, 217 N. Y. 382, 111 N. E. 1050, Ann. Cas. 1916C 440; *Miller v. Steinfeld*, 160 N. Y. Supp. 800. The decision in the principal case is put squarely upon the ground that a loaf of bread is an article which it is reasonably certain will become dangerous if so negligently made as to allow foreign substances to enter into its manufacture. The earlier cases which considered the liability of a manufacturer, vendor or packer to the ultimate purchaser, as well as to persons not in privity of contract, for injuries from defects in the article sold, are collected and discussed in the note to *Tomlinson v. Armour & Company*, 19 L. R. A. N. S. 923. See also the note to *Mazeetti v. Armour & Company*, 48 L. R. A. N. S. 213, and the long list of cases there cited and reviewed. These earlier cases limited the application of the doctrine announced in the principal case to poisons, explosives and things of like nature which in their normal operation are implements of destruction. See *Thomas v. Winchester*, 6 N. Y. 397, 57 Am. Dec. 455; *Wellington v. Downer Kerosene Oil Company*, 104 Mass. 64; *Norton v. Sewall*, 106 Mass. 143, 8 Am. Rep. 298; *McCafferty v. Mossberg & G. Mfg. Co.*, 23 R. I. 381, 50 Atl. 651, 55 L. R. A. 822. 91 Am. St. Rep. 637; *Husct v. J. I. Case Threshing Machine Co.*, 120 Fed. 805, 57 C. C. A. 237, 61 L. R. A. 303. We have seen the principle extended to an automobile (*MacPherson v. Buick Motor Co.*, supra), to a stepladder (*Miller v. Steinfeld*, supra.) and now to a loaf of bread, and apparently the

end is not yet. Is it not time that we called a halt to this constantly growing list of manufactured articles that are considered so inherently dangerous in their nature as to put an absolute duty of inspection upon the manufacturer and an absolute liability, even to those with whom he has no privity of contract, if he fails to make such inspection? This criticism is not directed at the conclusion reached by the court but at the basis on which it rests its decision. The defendant contended that it was incumbent upon the plaintiff to show that the defendant had been negligent in the manufacture of the loaf and that the doctrine of *res ipsa loquitur* did not apply to such a case. But this contention was brushed aside and the doctrine of *res ipsa loquitur* allowed to control. In that it would seem the court was wrong. Why not put the case upon the ground that the defendant owed a certain duty of care to the plaintiff and that for the plaintiff to recover he must first show that the defendant has been negligent in the performance of that duty? This phase of the question is barely mentioned, while the duty to inspect is stressed to the point that would hold the defendant liable at all events if he failed to make such inspection. In this regard, and in putting a loaf of bread in the same category with deadly poisons, explosives, and other dangerous instrumentalities the court placed its decision upon a ground extremely hard to support. Opposed to *MacPherson v. Buick Motor Co.*, supra, on which case the decision in the principal case was based, is *Cadillac Motor Co. v. Johnson*, 221 Fed. 801, 137 C. C. A. 279, L. R. A. 1915E 287, decided by the Federal Court in New York about a year before the decision in *MacPherson v. Buick Motor Co.*, by the New York Court of Appeals.

TORTS—STRIKES.—Employes of plaintiff, who is a retail grocer, refused to pay their dues to the local grocery clerks' union. The union, although having no trade dispute with plaintiff, declared a strike against him, and picketed his place and sought to prevent persons from buying of him. Plaintiff brings suit against defendants as officers of the union and also as individuals representing the other numerous members. *Held* that the acts were illegal, and the union and its members were liable therefor. *Harvey v. Chapman et al* (Mass. 1917), 115 N. E. 304.

In a case like this, where the injury is intentionally inflicted, the crucial question is whether there is justifiable cause for the act. *Martel v. White*, 185 Mass. 255, 69 N. E. 1085, 102 Am. St. Rep. 341, 64 L. R. A. 260; *Jackson v. Stanfield*, 137 Ind. 592, 36 N. E. 345, 24 L. R. A. 469. The weight of authority is to the effect that the right of a labor union to use coercion and compulsion by strikes or threats thereof is limited to strikes or threats thereof against persons with whom the combination has a trade dispute. *Pickett v. Walsh*, 192 Mass. 572, 78 N. E. 753, 116 Am. St. Rep. 272, 6 L. R. A. N. S. 1667. Likewise it is illegal to coerce the customers or prospective customers of one with whom the union has no trade dispute to withhold their patronage from him. *Thomas v. Cincinnati etc. R. Co.*, 62 Fed. 803; *United States v. Cassidy*, 67 Fed. 698. Nor is this liability for injury to